

PUBLIC REPRIMAND. In the Matter of H. Cubbage Brown, No. 389, 2005. Effective Date: October 18, 2005.

H. Cubbage Brown, Esquire, managing partner of the Dover office of Brown Shiels Beauregard & Chasanov, received a public reprimand with practice limitations and conditions. The Court approved a Report and Approval of Stipulation and Joint Recommendation of Sanction that was submitted by a panel of the Board on Professional Responsibility ("Board"). The Board's report concluded, in accordance with the stipulation entered into by the Office of Disciplinary Counsel ("ODC") and Mr. Brown, that Mr. Brown had violated the Delaware Lawyers' Rules of Professional Conduct ("Rules"). Mr. Brown agreed he violated **Rule 1.15(a)** by failing to safeguard client funds which resulted in the theft of \$140,000 by an employee, **Rule 1.15(b)** by failing to promptly distribute funds to clients from June 2003 through January 2004, **Rule 1.15(d)** by failing to maintain books and records from August 2002 through January 2004, **Rule 5.3** by failing to supervise an employee's conduct with respect to the maintenance of the firm's books and records; **Rule 8.4(c)** by filing Certificates of Compliance for 2001 through 2003 each of which contained inaccurate misrepresentations regarding the status of the firm's books and records, and **Rule 8.4(d)** by engaging in conduct prejudicial to the administration of justice by filing Certificates of Compliance for 2001 through 2003 which inaccurately reflected the status of the firm's books and records.

In recommending the public reprimand, the Board considered the following mitigating factors: (1) the absence of a prior disciplinary record; and (2) payment of the difference between the Firm's insurance coverage and the amount of the employee theft; instituting remedial measures to correct the deficiencies in the Dover office's books and records, including the retention of an independent CPA, and obtaining additional computer software and consulting with Richard Herrmann, Esquire with regard to the implementation of computerized conflicts screening; and agreeing to dissolve the Firm. In aggravation, the Board considered that (1) Brown engaged in a pattern of misconduct by failing to maintain his law office books and records for several years, by failing to supervise his employees, and by failing to accurately represent the status of his books and records on his Certificates of Compliance filed with the Court for 2001, 2002, and 2003; (2) Brown had engaged in multiple offenses; and (3) Brown has substantial experience in the practice of law.

Under the practice limitations Brown will dissolve the Firm and the partnership currently known as Brown Shiels Beauregard & Chasanov as soon as practicable but no later than December 31, 2005. If Brown is a named partner and/or a principal in a firm that has more than one office: (1) he must ensure that the conflict system in the firm is centralized in the main office and each office must be networked by computer with the main office in order to perform conflict checks; and (2) he must ensure that the books and records and bank accounts encompassed by Rule 1.15 and Rule 1.15A are maintained in the main office. Under the conditions during various time periods, Brown must file an affidavit by a certified public accountant certifying that the firm's books and records are in full compliance with Rule 1.15.